IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)) 8:10CR401	
Plaintiff,) 6.10CK401)	
vs.) DETENTION ORDER	
Salvador Penaloza-Calixto,)	
Defendant.	,	
A. Order For Detention		
After conducting a detention hearing pursuant Reform Act, the Court orders the above-named 18 U.S.C. § 3142(e) and (I).		
B. Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evidence conditions will reasonably assure the required. X By clear and convincing evidence the conditions will reasonably assure the community.	n because it finds: e that no condition or combination of e appearance of the defendant as nat no condition or combination of	
possession with intent to methamphetamine, distression methamphetamine, illegates a second penalty of life (b) The offense is a crime oo X (c) The offense involves a new factor of the second possession with intent to methamphetamine, district methamphetamine, district methamphetamine, district methamphetamine, and intent to methamphetamine, district methamphetamine, illegates penalty of life.	ervices Report, and includes the following: ne offense charged: by to distribute and possession with trams or more of methamphetamine; or distribute 50 grams or more of bution of less than 50 grams of all alien in possession of a firearm serious crime and carries a maximum imprisonment. f violence.	
(2) The weight of the evidence aga (3) The history and characteristics (a) General Factors:	_	

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		X	The defendant appears to have a mental condition which may affect whether the defendant will appear. The defendant has no family ties in the area. The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:			
	(b)	At the t	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. time of the current arrest, the defendant was on:			
			Probation			
	(c)	Other F	Parole Release pending trial, sentence, appeal or completion of sentence.			
	(6)		The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:			
(4)			nd seriousness of the danger posed by the defendant's s follows:			
<u>X</u> (5)			resumptions			
_X	In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or					

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			(2)	An offense for which the maximum penalty is life
				imprisonment or death; or
		<u>X</u>	(3)	A controlled substance violation which has a
				maximum penalty of 10 years or more; or
			(4)	
			()	two or more prior offenses described in (1) through
				(3) above, <u>and</u> the defendant has a prior conviction
				for one of the crimes mentioned in (1) through (3)
				above which is less than five years old and which
				was committed while the defendant was on pretrial
				release.
V	/ b .\	Thataa		
<u>X</u>	(D)) That no condition or combination of conditions will reasonably		
		assure the appearance of the defendant as required and the		
		safety of the community because the Court finds that there is		
		probable cause to believe:		
		<u>X</u>	(1)	That the defendant has committed a controlled
			. ,	substance violation which has a maximum penalty of
				10 years or more.
			(2)	That the defendant has committed an offense under
			(-)	18 U.S.C. § 924(c) (uses or carries a firearm during
				and in relation to any crime of violence, including a
				crime of violence, which provides for an enhanced
				punishment if committed by the use of a deadly or
				dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 23, 2010.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge